

ENTERED

September 06, 2016

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

JOSE ANGEL BANDA,
Petitioner,

v.

LORIE DAVIS, *Director, Texas
Department of Criminal Justice,*
Respondent.

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Civil Action No. 1:16-cv-060

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Magistrate Judge's Report and Recommendation in the above-referenced cause of action. No objections have been filed. After a de novo review of the file, the Magistrate Judge's Report and Recommendation is **ADOPTED**. It is therefore, **ORDERED, ADJUDGED, and DECREED** that Banda's § 2254 Petition for Writ of Habeas Corpus (Docket No. 1) is **DISMISSED** as time-barred by the Antiterrorism and Effective Death Penalty Act's one-year statute of limitations. Accordingly, Respondent's Motion for Summary Judgment (Docket No. 11) is **DISMISSED** as moot. A certificate of appealability shall not issue.

Signed on this 6th day of September, 2016.



Rolando Olvera
United States District Judge